

REMARKSStatus of Claims:

Claims 1-54 are pending for examination.

Prior Art Rejections:

Claims 1-2 and 28-29 stand rejected under 35 U.S.C. § 102 as anticipated by applicants admitted prior art APA.

The examiner's rejections are respectfully traversed.

Claim 1 has been amended to recite that the recorded information indicates whether an asymmetry value is available for adjustment of the recording conditions. This limitation is not disclosed in applicant's APA and thus the anticipatory rejection under 35 U.S.C. § 102 must be withdrawn. Indicate claim 28 has been amended in a similar manner. Claims 2, 3, and 29 an 30 are dependent claims and thus incorporate these limitations by reference to the independent claims from which they depend.

As stated by the Federal Circuit: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, (Fed. Cir. 1989). See MPEP §2131. Thus, in order for a reference to be utilized as an anticipatory reference under the provisions of 35 U.S.C. § 102, the reference must disclose each and every claim limitation. This is certainly not the case here, and thus, as indicated above, the Sec. 102 rejection must be withdrawn.

Conclusions:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Atty. Dkt. No. 065686-0156

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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